

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVE STEWART, et al.,

Plaintiffs,

v.

JEFFREY BEARD, et al.,

Defendants.

No. 3:07-cv-1916

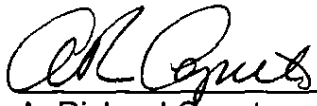
(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 2nd day of July, 2009, upon review of Magistrate Judge Smyser's Report and Recommendation (Doc. 86) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 86) is **ADOPTED**.
- (2) Plaintiff Riley's Motion for Summary Judgement (Doc. 74) is **DENIED**.
- (3) The above-captioned action shall be listed for trial.


A. Richard Caputo
United States District Judge